

EXHIBIT E

COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

HAMPDEN SS.

DOCKET NO: 04 913

COMMONWEALTH
V.
DAVID RIBEIRO

MOTION TO SUPPRESS UNLAWFULLY OBTAINED CONFESSION
~~W/ MEMO AND AFF~~

Now comes the Defendant in the above-entitled action and moves that admissions made by him to law enforcement officers of the Commonwealth of Massachusetts be suppressed as evidence against him, having been unlawfully obtained as the statement(s) were involuntary. The admissions were not the result of a knowing and voluntary waiver of the Defendant's rights guaranteed by the Constitutions of the United States and the Commonwealth of Massachusetts.

WHEREFORE, the defendant avers that admissions obtained in connection with her arrest were obtained in violation of the Fifth and Fourteenth Amendment of the United States Constitution, and in violation of Part 1, Article 12 of the Massachusetts Constitution, and respectfully moves this Honorable Court to suppress said evidence.

THE DEFENDANT
By His/Her Attorney

Edward B. Fogarty

Edward B. Fogarty, Esquire
101 State Street - Suite 321
Springfield MA. 01103
Tel: (413) 827 0174
Fax: (413) 737 7782
BBO: 173090

Denial. STA (H) 1012
2/17/05
N. 2.17.05
A true copy:

Date: August 19, 2004

ASSIGNED

HAMPDEN COUNTY
SUPERIOR COURT
FILED

FEB 17 2005

Daniel S. Maggion
CLERK-MAGISTRATE

2-17-05

COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

HAMPDEN SS.

DOCKET NO: 04 913

COMMONWEALTH
V.
DAVID RIBEIRO

**AFFIDAVIT IN SUPPORT
MOTION TO SUPPRESS UNLAWFULLY OBTAINED CONFESSION**

1. My name is David Ribeiro, defendant in the captioned matter.
2. I have reviewed police reports in connection with this case and a statement which is attributed to me.
3. It is my best memory that at the date and time when this statement was taken it was not voluntary. I was under tremendous stress, having been just arrested.
4. I had informed police that I did not wish to talk.
5. One officer in particular ignored my obvious request to remain silent, and first left the room and then returned and began asking me questions I told him I had no knowledge of what he was discussing. Despite my wish to remain silent, the officer continued to ask me questions and/or make statements to me in a manner to invite response.
6. Any statement attributed to me was made under duress of arrest and in custody of police and after I had made known I did not wish to speak.

Signed under pains and penalties of perjury this August 21, 2004

David Ribeiro 8-28-04
David Ribeiro

HAMPDEN COUNTY
SUPERIOR COURT
FILED
FEB 17 2005



www.calleci.com
1-888-405-6400

Marie Magg
CLERK-MAGISTRATE

Sign + mail
back to me.

A true copy:

Attest:

Deen M. Granger
Deputy Assistant Clerk 2-17-05

COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

HAMPDEN SS.

DOCKET NO: 04 913

COMMONWEALTH
V.
DAVID RIBEIRO

**MOTION TO SUPPLEMENT GROUNDS TO SUPPRESS UNLAWFULLY
OBTAINED CONFESSION**

Now comes the Defendant in the above-entitled action and moves as an additional grounds for suppression of his statement failure of police to advise him of his right to use of a telephone pursuant to Massachusetts General Laws. The admissions were not the result of a knowing and voluntary waiver of the Defendant's rights guaranteed by the Constitutions of the United States and the Commonwealth of Massachusetts.

WHEREFORE, the defendant avers that admissions obtained in connection with her arrest were obtained in violation of the Fifth and Fourteenth Amendment of the United States Constitution, and in violation of Part 1, Article 12 of the Massachusetts Constitution, and respectfully moves this Honorable Court to suppress said evidence.

THE DEFENDANT
By His/Her Attorney

Edward B. Fogarty

Edward B. Fogarty, Esquire
101 State Street - Suite 321
Springfield MA. 01103
Tel: (413) 827 0174
Fax: (413) 737 7782
BBO: 173090

HAMPDEN COUNTY
SUPERIOR COURT
FILED

FEB 17 2005

Marie Shagga
CLERK-MAGISTRATE

Date: February 17, 2005

A true copy:

Attest:

Devin M. Cranetti
Deputy Assistant Clerk

*2/17/05 Allowed without
objection (Curley, J.)*
Attest: Stephanie Roscoe
N. 2.18.05
Post Clerk